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BUDGET ESTIMATES FOR THE FINANCIAL YEAR 1969

Expenses to be incurred by the United Nations in respect
of individuals or groups of experts appointed by organs
or subsidiary organs for the performance of special
ad hoc tasks

Thirty-seventh report of the Advisory Committee on Administrative and Budgetary
Questions to the General Assembly at its twenty-third session

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report by the Secretary-General (A/C.5/1200) on the expenses to be incurred by the United Nations in respect of individuals or groups of experts appointed by organs or subsidiary organs for the performance of special ad hoc tasks.
2. As pointed out by the Secretary-General in paragraph 1 of his report, the General Assembly from time to time has established specific rules to govern the payment by the United Nations of the travel and subsistence expenses of members of organs and subsidiary organs, where appropriate, as well as the payment to such members, in certain exceptional instances, of honoraria. However, these rules do not cover with sufficient clarity the position in regard to individuals appointed by organs or subsidiary organs to undertake, in their personal capacity, special ad hoc tasks on behalf of the bodies concerned.
3. As the Advisory Committee has had occasion to point out in the past, these problems have been complicated by the fact that at the same time these individuals have served, whether in their personal capacity or as representatives of their Government, as members of the organs or subsidiary organs which appointed them. In the absence of definitive legislative guidelines in this regard, the Secretary-General has deemed it expedient to equate certain cases to those of experts

appointed by him to assist in the performance of special tasks entrusted to the Secretariat. These latter payments, which include travel and subsistence costs and, where appropriate, fees, are subject to internal rules promulgated by the Secretary-General and differ in terms of quantity and eligibility from those payable in respect of members of organs and subsidiary organs.

4. The Advisory Committee has questioned the propriety of such a procedure, and in its main report on the United Nations budget estimates for 1969^{1/} has again brought a specific case in point to the attention of the General Assembly. The Committee, therefore, welcomes the report of the Secretary-General in which he attempts to arrive at acceptable guidelines for the future determination of entitlements in special sui generis cases. To assist the General Assembly in its consideration of this matter, the Secretary-General has provided in paragraphs 3 to 35 of his report^{2/} a synopsis of current rules and practices, distinguishing between those governing (a) members of organs or subsidiary organs, and (b) individuals appointed by organs or subsidiary organs, rather than by the Secretary-General, to undertake in their personal capacity, special ad hoc tasks on behalf of the bodies involved.

5. In view of the accurate and detailed background data and information on the existing rules and practices provided in the Secretary-General's report, there is no need for the Advisory Committee to summarize or recapitulate the present situation. Rather, the Committee has devoted its attention to ways and means of resolving the existing anomalies and to the specific recommendations for further action by the General Assembly proposed in paragraph 36 of the Secretary-General's report.

6. For ease of reference, the Advisory Committee sets forth below the recommendation of the Fifth Committee, adopted by the General Assembly in resolution 1798 (XVII) of 11 December 1962, on the principles governing the payment of travel expenses and subsistence allowances to members of organs and subsidiary organs of the United Nations:

1/ Official Records of the General Assembly, Twenty-third Session, Supplement No. 7 (A/7207), paras. 277 and 278.

2/ A/C.5/1200.

"(a) The General Assembly reaffirms the basic principles governing the emoluments of persons who serve on organs and subsidiary organs of the United Nations, according to which neither fee nor other remuneration shall normally be paid to:

- (i) A rapporteur of a United Nations body;
- (ii) Members serving on organs and subsidiary organs of the United Nations in an individual personal capacity.

Where appropriate, a subsistence allowance at the standard rate, together with travel expenses, shall be payable, but the allowance shall not be deemed to contain any element of fee or remuneration;

"(b) The General Assembly decides that like principles shall normally govern payments to special representatives or equivalent officials appointed by the Assembly for the performance of ad hoc tasks. Unless the draft resolution proposing such an appointment expressly so provides, no fee or remuneration shall be paid. If, in exceptional circumstances, a fee or remuneration is proposed, the decision shall invariably be taken by the General Assembly, according to the requirements of the individual case. The statement of financial implications submitted under rule 154 of the rules of procedure of the General Assembly shall specify the nature and amount of such payment and shall be subject to prior examination and report by the Fifth Committee;

"(c) The decisions set out under (a) and (b) above shall not be deemed to embrace any honoraria which the General Assembly has already authorized for payment on an exceptional basis." 3/

7. In his report, the Secretary-General suggests that in order to give more comprehensive effect to the basic intent and decisions expressed by the General Assembly in earlier resolutions, namely 677 (VII) of 21 December 1952, and 1798 (XVII) of 11 December 1962, the Assembly may wish to endorse the following additional rules:

- (i) A clear distinction shall be drawn between (a) individuals appointed by organs or subsidiary organs to undertake in their personal capacity the performance of special studies or other ad hoc tasks on behalf of the bodies involved, and (b) experts or consultants appointed by the Secretary-General to assist him in the performance of special studies or other ad hoc tasks entrusted to the Secretariat;

3/ Official Records of the General Assembly, Sixteenth Session, Annexes, agenda item 54, document A/5005, para. 10.

- (ii) Cases falling under category (a) above shall invariably be governed by the rules established by the General Assembly in its resolution 1798 (XVII) on the payment of travel and subsistence costs of members of organs and subsidiary organs of the United Nations and the decision taken by the General Assembly at its sixteenth session on the payment of honoraria, i.e., that neither fee nor any other remuneration, in addition to travel expenses and a subsistence allowance at the standard rate, shall normally be payable;
- (iii) If, in exceptional cases, a fee or remuneration is proposed, the decision shall invariably be taken by the General Assembly after prior examination by the Fifth Committee of any overriding considerations in the particular case. The issue might be whether the person best qualified for a particular task could be induced to accept the appointment unless some financial provision were made to compensate for the loss of professional earnings. Thus a factor in each case would be whether or not the person concerned would remain in the employ of a Government or other institution without suspension of normal emoluments. In such cases, at least as far as States Members of the United Nations are concerned, it shall be assumed, in any event, that they would normally wish to make available to the Organization without charge the services of persons in their employ.

8. In examining the additional rules suggested by the Secretary-General, the Advisory Committee had no difficulty with the text proposed under sub-paragraph (i), and considers that this clear restatement of distinctions between categories (a) and (b) is necessary. Similarly, the more detailed and expanded text under sub-paragraph (ii) concerning payment of travel and subsistence costs of members of organs and subsidiary organs of the United Nations falling under category (a) of sub-paragraph (i) should not give rise to misinterpretation. At the same time, the Committee suggests that the General Assembly may wish to delete the word "invariably" in the first line of sub-paragraph (ii), since provision for exceptions is made in sub-paragraph (iii).

9. With regard to the text proposed under sub-paragraph (iii) above, concerning possible proposals for payment, as an exception, of a fee or other remuneration,

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the Advisory Committee considers that the intent would be clearer and more appropriate if the wording read as follows:

"(iii) If a fee or remuneration is proposed by way of exception to the established rules, the decision shall invariably be taken by the General Assembly after prior examination by the Fifth Committee of any special considerations in the particular case. The criteria might be whether the person best qualified for a particular task could be induced to accept the appointment unless some financial provision were made to compensate for the loss of professional earnings. Thus a factor in each case would be whether or not the person concerned would remain in the employ of a Government or other institution without suspension of normal emoluments. In such cases, at least as far as States Members of the United Nations are concerned, it shall be assumed, in any event, that they would normally wish to make available to the Organization without charge the services of persons in their employ."

The Advisory Committee assumes that the final action to be taken by the Secretary-General and the Fifth Committee will reflect these changes.

10. Subject to its observations contained in paragraphs 8 and 9 above, the Advisory Committee supports the Secretary-General's suggestions, and considers that these additions are sufficiently comprehensive and explicit to facilitate interpretation and practical implementation of the rules and principles governing the payment of travel and subsistence expenses to members of organs and subsidiary organs of the United Nations. Accordingly, the Advisory Committee recommends that the General Assembly may wish to endorse the additional rules suggested by the Secretary-General, as amended by the Committee.

Administrative Tribunal

11. In paragraphs 37 to 40 of his report (A/C.5/1200), the Secretary-General submits a proposal to increase the amounts of the annual honoraria payable to the President and other members of the Administrative Tribunal of the United Nations.

12. As noted in paragraph 37 of the Secretary-General's report, the present honoraria payable to the President and other members of the Administrative Tribunal date back to a decision taken by the Secretary-General in 1960 at its fifteenth session.^{4/} The annual honorarium paid to the President is \$500.

^{4/} Ibid., Fifteenth Session, Annexes, agenda item 50, documents A/C.5/814 and A/4609; and Supplement No. 7 (A/4408), paras. 315-323.

Additionally, an honorarium of \$250 for each session is payable to the President and each of the other members participating in the consideration of cases. The Administrative Tribunal is one of the four subsidiary organs for which the General Assembly has authorized payment of honoraria.

13. In the case of the Administrative Tribunal, the General Assembly based its decision on the volume of preparatory work undertaken by its members between sessions. The Assembly therefore considered that there was no valid reason for drawing a distinction between the Administrative Tribunal and the other three bodies as regards the total time required to discharge their respective responsibilities. The Secretary-General therefore recommends that the General Assembly at its current session give consideration to an increase in the amounts of the honoraria payable to members of the Tribunal up to those paid in the case of the International Law Commission and the International Narcotics Control Board. In this regard, it is proposed that \$2,500 per annum be paid to the President of the Administrative Tribunal and \$500 to other members for each session of the Tribunal in which they participate during the particular year, within a maximum of \$1,000 in any one year.

14. In examining the present report of the Secretary-General, the Advisory Committee recalled its recommendation last year to the General Assembly on the appropriate amounts of the honoraria to be paid to the members of the International Narcotics Control Board, which was based on a general recognition of the total services which the members rendered.

15. In the light of the considerations set forth in the Secretary-General's report, and bearing in mind the amounts of honoraria paid to members of other bodies, the Advisory Committee suggests that the General Assembly may wish to authorize payments to the President and members of the Administrative Tribunal of the United Nations as recommended in paragraph 39 of the Secretary-General's report.

16. The Advisory Committee notes that approval of the Secretary-General's proposals by the General Assembly would require an additional appropriation of \$5,000 under Section 1 of the budget estimates for 1969.